IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 6th day of September, 2006
First Bail Application No. 729 of 2006

Criminal Side

1. Km. Hema Khati
   D/o Sri Ram Singh
2. Smt. Devki Devi
   W/o Ram Singh
   Both R/o Hydel Gate, Bazpur Road
   Kashipur, P.S. Kashipur
   District Udham Singh Nagar ……..Applicants

Versus

State of Uttaranchal …….Opposite Party

Arising out of Crime No. 3986 of 2006
Under Section: 304 B I.P.C.
P.S.: Kashipur
District: Udham Singh Nagar.

Hon'ble Prafulla C. Pant, J.

Heard Shri Dharam Veer, learned Sr. Counsel assisted by Shri Mohd. Azim, learned counsel for the applicants and learned A.G.A. for the State.

Applicants Km. Hema Khati and Smt. Devki Devi, who are in jail in connection with crime No. 3986 of 2006, under Section 304B Indian Penal Code, P.S. Kashipur, District Udham Singh Nagar, have sought their release on bail.

The applicant No. 1-Km. Hema Khati sister-in-law and applicant No. 2-Devki Devi is mother-in-law of the deceased.

Is is argued on behalf of the applicants that they used to live separately from Bharti alias Bhawana (deceased) and her husband Sunder Singh. The said fact has been stated in para 13 of the affidavit of Digar Singh, filed in support of the bail

application. In the counter affidavit, filed by the State, in reply to para 13 of the affidavit of Digar Singh, this is not denied if the applicants were not living with the deceased and her husband.

In the circumstances, after going through the contents of the First Information Report, and considering that applicants are women, they deserve bail. Let the applicants be released on bail on executing personal bond and furnishing two sureties, for each one of them, each of the like amount, to the satisfaction of the Magistrate concerned.

Dt. 06.09.2006 **(Prafulla C. Pant, J.)**
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